

REMARKS

Claims 28, 31-41, 44, 45, and 47 are pending. Claim 45 is currently amended. Reconsideration of the application is requested.

§ 112 Rejections

Claims 28, 31-41, 44, 45, and 47 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards (or Applicants regard) as the invention.

Claim 45 is amended to delete the word “type”. We request withdrawal of this rejection.

§ 103 Rejections

Claims 37-41, 44, 45, and 47 are rejected under 35 USC § 103(a) as being unpatentable over Babu et al. (WO 93/11184) in view of Davison (U.S. 3,970,771), Bragole (U.S. 4,859,540), Yarusso et al. (U.S. 5,266,400), and as evidenced by Hansen (U.S. 4,141,876).

In our last response, we added a new limitation to claim 45 as indicated by the underlined text: (c) applying a pressure sensitive adhesive atop the primer prior to being crosslinked. This amendment has been interpreted as “prior to the PSA being crosslinked”.

We respectfully disagree with this interpretation for at least the following reasons. Consider the preparation of Examples 1-6 (beginning on page 13). In Example 2, for example, both Primer 2 and PSA-2 comprise the same crosslinking agent XL-2. A coating for Example 2 was prepared as described on page 17, line 22 to page 18, line 5: Primer 2 solution was coated on a tape backing followed only by drying, *with no curing step being carried out*. Then PSA-2 was coated atop the primer layer, and the 2-layer sample cured using Hg lamps. Clearly, curing is carried out so that XL-2 in each layer crosslinks the layers, i.e., each layer becomes crosslinked and crosslinking also occurs between the layers. Examples 1 and 3-6 are similar to Example 2.

We also disagree with the interpretation of step (c) in view of common sense to one of ordinary skill: it makes no sense that a PSA be applied atop anything *after* it is crosslinked because crosslinking sets the adhesive, providing adequate resistance to flow (see Yarusso, column 3, lines 11-14), and flow is required for coating.

In view of Babu

Regarding paragraph 7 on page 4 of the office action, it is said that Babu teaches a PSA tape and a method of making the PSA tape in which a radiation curable PSA is applied on a support, and that primers may be useful for improving adhesion. We do not believe that this paragraph is enough to establish a prima facie case of obvious because, at the very least, Babu does not disclose all of the limitations of claim 45, i.e., a crosslinkable PSA layer is coated on a crosslinkable primer layer before curing of either or both layers.

Regarding paragraph 8 beginning on page 4 of the office action, it is said that Babu discloses a primer layer that reads on the primer recited in claim 45, and a PSA layer comprising alpha-olefins and crosslinking agents that can be crosslinked using actinic radiation. Whether or not this statement is true, it does not change the fact that Babu does not disclose all of the limitations of claim 45, i.e., a crosslinkable PSA layer is coated on a crosslinkable primer layer before curing of either or both layers.

Regarding paragraph 9 beginning on page 5 of the office action, it is said that Babu meets certain limitations of claim 45: the PSA comprises a non-halogenated polyolefin, step (c) wherein a PSA comprising a crosslinking agent is coated atop a primer, and step (d) crosslinking the PSA using actinic radiation. Whether or not this statement is true, it does not change the fact that Babu does not disclose all of the limitations of claim 45, i.e., a crosslinkable PSA layer is coated on a crosslinkable primer layer before curing of either or both layers.

Babu in view of Davidson

Regarding paragraphs 11-14 beginning on page 6 of the office action, it is said that Davison discloses a substrate that is coated with a mixed resin primer related to the primer of claim 45, and that Davison is related to improving the bonding with low energy substrates such as polyolefins and coatings using the primer of his invention. Whether or not this statement is true, it does not change the fact that Babu does not disclose all of the limitations of claim 45, i.e., a crosslinkable PSA layer is coated on a crosslinkable primer layer before curing of either or both layers, and that the disclosure of Davidson does not remedy this deficiency of Babu.

Babu in view of Bragole

Regarding paragraphs 15 and 16 on page 7 of the office action, it is said that Bragole discloses a primed surface that is irradiated and an adhesive bonded to a primer. Bragole does make this statement, however, we have read Bragole in great detail and have found no teaching that an adhesive layer can be coated on a primer layer prior to the primer layer being crosslinked. Consider the excerpt in column 2, lines 3-7 in which Bragole states that irradiation of primers improves their *subsequent* adhesion to adhesives. Thus, Babu does not disclose all of the limitations of claim 45, i.e., a crosslinkable PSA layer is coated on a crosslinkable primer layer before curing of either or both layers, and Bragole does not remedy this deficiency of Babu.

Babu in view of Yarusso

Regarding paragraph 19 on page 8 of the office action, it is said that Yarusso discloses a PSA tape in which a primer to a backing is applied prior to an adhesive on the backing. Referring to column 3, lines 10-15 of Yarusso, it is said that coated tapes are exposed to electron beam radiation from the adhesive suitably to crosslink the adhesive. These disclosures by Yarusso have been interpreted to meet the limitation of claim 45, the requirement that an adhesive is applied before a crosslinkable primer layer is crosslinked. We respectfully disagree with this interpretation of Yarusso et al. Column 3, lines 10-15 states: “the coated tapes are exposed to electron beam radiation from the adhesive side to *suitably crosslink the elastomer in the adhesive ...*” with no mention of crosslinking a primer layer. We have

Regarding paragraph 20 on page 8 of the office action, it is said that Babu discloses the use of a primer and that Babu’s PSAs are crosslinkable. Further, it is said that Yarusso describes a PSA tape in which one can coat the adhesive on a primer and then crosslink the adhesive. Considering the combination of these two sentences, it is not taught that the primer can be crosslinked.

Regarding paragraph 21 on pages 8-9 of the office action, it is said that it would have been obvious to one of ordinary skill at the time the invention was made to apply a PSA of Babu atop a primer prior to being crosslinked, motivated by the desire to form a PSA tape of Babu since Babu desires formation of a PSA tape and Yarusso provides necessary details to practice

the invention of Babu. We respectfully submit that evidence supporting this conclusion has not been provided.

Claims 37-41, 44 and 47 are dependent claims of claim 45, and thus are patentable for at least the above reasons discussed above for the rejection of claim 45.

Conclusion

We believe that all of the pending rejections have been overcome and that the application is in condition for allowance. Reconsideration and allowance of the claims at an early date is solicited.

Respectfully submitted,

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